

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 13-36 remain pending in the application.

In the Office Action, claims 13-36 are again rejected under rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,047,269 to Biffar (hereinafter “Biffar”). Applicant respectfully traverses this rejection for at least the following reasons.

As noted in an earlier reply, embodiments of the present invention allow a customer to reserve a quota of tokens for use in electronic commerce. The tokens are stored on the customer’s portable device, such as a mobile phone. The customer may elect to either spend the tokens with a vendor or delegate the tokens to a delegate, such as a child of the customer. The delegate may then spend the tokens with a vendor. Accordingly, independent claim 13 recites “the at least one token delegable by the customer to a delegate or spendable by the customer with a vendor” Independent claims 24-28, 35 and 36 similarly recite features which allow delegation of tokens (or coupons).

Further, Applicant resubmits that the terms “spendable” and “delegable,” as recited in independent claim 13, are distinct from each other. Thus, delegating of a token is not the same as spending the token. Similarly, a delegate is not the same as a vendor. In fact, the term “delegate” is defined as “to assign responsibility or authority.” See Merriam-Webster Online Dictionary, www.m-w.com. Thus, embodiments of the present invention allow a customer to assign authority of spending the tokens to a delegate, such as a child.

Biffar clearly does not contemplate this feature of the present invention. Applicant has previously noted taht any transfer of the voucher disclosed by Biffar in the context of spending, not assigning of any authority. For example, while the Office Action argues that the remote device A 100 is a customer and device B 101 is a delegate, the specification of Biffar clearly

contradicts this interpretation by stating “user A wants to make a payment using remote device A 100 (FIG. 1-B) to user B with remote device B 101 (FIG. 1-B).” Biffar, col. 11, lines 21-23 (emphasis added). Thus, the cited portions of Biffar clearly disclose spending of the voucher. Nowhere does Biffar teach or suggest delegation of the voucher to another entity.

In the “Response to Arguments,” the Examiner asserts that “Biffar discloses ‘[v]ouchers, according to the invention, can be passed from remote device to remote device and therefore form an individual to a business, from a business to an individual, from business to business, as well as from an individual to an individual.’” However, this cited portion of Biffar discloses passing of the vouchers in the context of spending, not delegating. Specifically, Biffar describes the transferring of the voucher 3 from a first user’s device 100 to a second user’s device 101. See Biffar, col. 7, lines 12-17. This is further supported by Biffar’s disclosure with reference to Figure 1-B at col. 11, lines 21-23, quoted above, which describes user A on remote device A 100 wanting to make a payment to user B with remote device B 101. Nowhere does Biffar teach or suggest any transfer of a voucher in the context of a delegation, as recited in the pending claims.

Thus, Biffar does not anticipate independent claims 13, 24-28, 35 and 36.

Accordingly, independent claims 13, 24-28, 35 and 36 are patentable. Claims 14-23 and 29 depend, either directly or indirectly, from allowable claim 13 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 30-34 depend from allowable claims 24-28, respectively, and are, therefore, patentable for at least that reason.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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